



10-CV-01674-AF

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 FIDENCIO RODRIGUEZ HERNANEZ, )  
9 Petitioner, ) Case No. C10-1674-JLR  
10 v. ) (CR09-414-JLR)  
11 UNITED STATES OF AMERICA, ) **ORDER DENYING § 2255**  
12 Respondent. ) **MOTION**

13 The Court, having reviewed petitioner's motion under § 2255, the Report and  
14 Recommendation of Brian A. Tsuchida, United States Magistrate Judge, and the remaining  
15 record, does hereby find and Order:

- 16 (1) The Court adopts the Report and Recommendation.
- 17 (2) Petitioner's § 2255 motion is **DENIED** and this case is **DISMISSED** with  
18 prejudice;
- 19 (3) Petitioner is **DENIED** issuance of a certificate of appealability; and
- 20 (4) The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.

21 DATED this 3<sup>rd</sup> day of Dec, 2010.

22  
23 JAMES L. ROBART  
United States District Judge